

Message Text

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ACTION DLOS-06

INFO OCT-01 ARA-06 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01

INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /115 W

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 8440

C O N F I D E N T I A L SECTION 1 OF 2 BUENOS AIRES 0123

E.O. 11652: XGDS-4

TAGS: PLOS, AR

SUBJECT: INTERSESSIONAL CONSULTATIONS ON LAW OF THE SEA

REF: STATE 298001

1. SUMMARY: LOS OFFICERS OF FONMINISTRY CONFIRM OUR VIEW THAT USG AND GOA ARE IN GENERAL ACCORD ON MAJORITY OF LOS ISSUES AND IN POSITION FOR CORDIAL CONSULTATION ON RELATIVELY FEW AREAS OF DIS-AGREEMENT. GOA WELCOMES CLOSE CONSULTATION AND COOPERATION WITH U.S. IN THIS AREA. DECISION-MAKING IS CENTERED IN LEGAL DIVISION OF FONMINISTRY, WHICH HAS GROUP OF EXPERIENCED OFFICERS, AND CO-ORDINATED WITH OTHER AGENCIES OF GOA THROUGH INFORMAL WORKING GROUP SYSTEM. PRINCIPAL U.S. EFFORTS TO INFLUENCE GOA ON LOS MATTERS SHOULD BE DIRECTED AT LOS DELEGATIONS, WHERE EXPERTISE AND INFLUENCE IS CONCENTRATED. THERE ARE NO DIRECT BILATERAL CONSIDERATIONS, SUCH AS FISHING DISPUTES, ETC., WHICH SHOULD AFFECT LOS CONSULTATIONS. END SUMMARY.

2. POLICY: ARGENTINE FONMINISTRY OFFICERS CONCERNED WITH LOS MAT-TERS HAVE BEEN UNANIMOUS IN THEIR ASSURANCES THAT THEY FIND NO FUNDAMENTAL DIFFERENCES WITH U.S. WHICH WOULD
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CREAT SERIOUS DIFFICULTIES IN LOS CONSULTATIONS. THEY EXPRESS VIEW THAT NEGOTIATIONS OVER TREATY TEXT ARE MOVING SLOWLY BUT SATISFACTORILY TOWARD COMPLETION. IN FEW AREAS OF POTENTIAL DIS-AGREEMENT WITH U.S., SUCH AS CONTINENTAL SHELF AND DEEP SEABED MINING, GOA IS DISPOSED TOWARD DISCUSSION AND REASONABLE COMPROMISE. IT HAS BEEN EMPHASIZED THAT GOA POLICY ON LOS IS "NON-POLITICAL," A STABLE AREA OF CONCERN WHICH HAS BEEN LARGELY UN-

AFFECTED BY CHANGES IN GOVERNMENT IN ARGENTINA, AND THAT GOA POSITIONS HAVE BEEN CONSISTENT THROUGH THESE CHANGES.

3. DECISION-MAKING: LEGAL DIVISION (CONSEJERIA LEGAL) OF FONMINISTRY HAS BEEN CENTER OF GOA COORDINATION AND POLICY RECOMMENDATION FOR LOS. THERE IS NO FORMAL, STANDING, INTER-AGENCY COORDINATING COMMITTEE OR PROCESS. ON AN AD HOC BASIS, WHEN NEED ARISES, INFORMAL WORKING GROUP IS FORMED UNDER LEADERSHIP OF FONMINISTRY, WHICH DRAWS IN APPROPRIATE OFFICERS FROM NAVY, MINISTRY OF ECONOMY, MINISTRY OF TRANSPORT, FISHING AND MINING AGENCIES AND PRIVATE GROUPS, ACADEMICS, ETC. DURING AN LOS CONFERENCE, WORKING GROUP MAY MEET AS OFTEN AS ONCE PER WEEK, WHILE AT OTHER TIMES IT MAY NOT MEET FOR SEVERAL WEEKS OR MONTHS. MOST DECISIONS CAN BE TAKEN BY LEGAL DIVISION, IN CONSULTATION WITH APPROPRIATE AGENCIES, AND THESE ARE ROUTINELY RATIFIED BY HIGHER AUTHORITY. IN PARTICULARLY IMPORTANT OR CONTROVERSIAL QUESTIONS, PROBLEM WITH RECOMMENDATIONS IS SENT UP TO FONMINISTER FOR RESOLUTION AT CABINET OR PRESIDENTIAL LEVEL AS APPROPRIATE. WE HAVE IMPRESSION THAT GUIDELINES TO LEGAL DIVISION AND TO DELEGATIONS ARE BROAD ENOUGH TO PERMIT WIDE DISCRETION AND DECISION-MAKING AT THOSE LEVELS IN MOST CASES, AND THAT PROBLEM AREAS FOR ARGENTINA ARE WELL-ENOUGH KNOWN AND PROVIDED FOR IN INSTRUCTIONS THAT FREQUENT REFERENCE TO HIGHER LEVELS IS UNNECESSARY.

4. LOS DELEGATIONS USUALLY INCLUDE EXPERTS WHO HAVE COMPETENCE AND AUTHORITY TO ACT ON OWN; THEY ARE EXPECTED TO KEEP BUENOS AIRES INFORMED, BUT DO NOT NEED TO SEEK APPROVAL OR INSTRUCTIONS IN MOST INSTANCES. NORMALLY THE LEGAL DIVISION WILL BE STAFFED WITH ONE OR TWO RELATIVELY JUNIOR ACTION OFFICERS FOR LOS
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MATTERS, WHILE MOST OF LOS EXPERTISE IS OFF AT CONFERENCES.

5. KEY PERSONNEL: ROUTINE DIPLOMATIC SERVICE TRANSFERS HAVE BROUGHT SOME CHANGES IN LOS PERSONNEL OVER LAST FEW MONTHS, BUT WE CANN EXPECT TO FIND FAMILIAR FACES IN THE DELEGATION. PRINCIPAL ACTION OFFICER ON LOS MATTERS FOR FONMINISTRY, IN LEGAL DIVISION, IS NOW DR. ELSA KELLY DE GUIBOURG, WELL-KNOWN TO US AND WITH SEVERAL YEARS OF EXPERIENCE IN LOS MATTERS. SHE WILL BE ASSISTED BY FIRST SECRETARY ALBERTO L. DAVEREDE, NEW TO LOS BUT AN IMPRESSIVE YOUNG ATTORNEY, SECOND SECRETARY HORACIO BASABE IS EXPECTING TRANSFER IN THE COMING YEAR, PROBABLY OUT OF LOS AREA. MINISTER ARNALDO LISTRE, WHO HAS HEADED PREVIOUS DELEGATIONS, IN NOW ASSIGNED TO THE UN IN NEW YORK, AND IT IS APPARENTLY UNCLEAR WHETHER HE WILL BE DIRECTLY INVOLVED IN LOS. HERNAN MASSINI-EZCURRA, FORMERLY OF THE LEGAL DIVISION AND IMPORTANT IN LOS, IS ASSIGNED TO THE EMBASSY IN WASHINGTON AND WILL PROBABLY NOT TAKE PART IN FURTHER LOS CONFERENCES. BEST GUESS IS THAT DR. KELLY DE GUIBOURG WILL HEAD NEXT GOA DELEGATIONS. IT IS NOT YET POSSIBLE TO IDENTIFY OFFICIALS OF GOA OTHER THAN FONMINISTER

ADMIRAL GUZZETTI, WHO WOULD MAKE DECISIONS ON IMPORTANT LOS POLICY MATTERS, GIVEN FACT THAT GOA HAS NOT SINCE MARCH 1976 COUP, TO OUR KNOWLEDGE, BEEN FACED WITH NECESSITY FOR SUCH DECISIONS. WE WOULD EXPECT THAT NAVY CINC ADMIRAL MASSERA WOULD HAVE VOICE SECOND ONLY TO PRESIDENT VIDELA, GIVEN NATURE OF SUBJECT AND FACT THAT FONMINISTRY IS REGARDED AS NAVY FIEF AND MASSERA KEEPS SHARP EYE ON GUZZETTI.

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C O N F I D E N T I A L SECTION 2 OF 2 BUENOS AIRES 0123

6. U.S. INFLUENCE ON GOA: MOST IMPORTANT AND PROBABLY MOST PRODUCTIVE POINT OF CONTACT IS LOS DELEGATION ITSELF, WHENEVER POSSIBLE. KEY PERSONNEL WILL BE CONCENTRATED THERE, AND IT IS UNLIKELY THAT AN APPROACH MADE IN BUENOS AIRES DURING A CONFERENCE, FOR EXAMPLE, WOULD MEET WITH A RESPONSE UNTIL THE DELEGATION'S VIEWS HAD BEEN OBTAINED. THE "MANNER" SHOULD BE DIRECT, OPEN, AND INFORMAL, AND "TIMING" SHOULD BE FREQUENT, ROUTINE CONSULTATION AND DISCUSSION RATHER THAN APPROACHES ONLY IN CRISES. GOA EXPERTS AND DECISION-MAKERS APPEAR TO WELCOME AND VALUE TALKS WITH THEIR U.S. COUNTERPARTS, AND FRANK DISCUSSION OF PROBLEM AREAS. AT TIMES WHEN DELEGATIONS ARE NOT IN CONTACT, DISCUSSIONS SHOULD BE MAINTAINED BY EMBASSY BUENOS AIRES OFFICERS WITH LEGAL DIVISION OFFICERS, WHENEVER POSSIBLE WITH POSITION PAPERS, STUDIES, ETC., PROVIDED BY DEPARTMENT AS FOCUS, AND WHICH MIGHT BE SHARED WITH ARGENTINES.

7. IT MIGHT BE USEFUL TO CONSIDER A VISIT TO BUENOS AIRES BY ONE OR TWO U.S. LOS EXPERTS, AFTER VERIFYING THAT LEGAL DIVISION OFFICERS WOULD LIKE TO SEE THEM. EMPHASIS SHOULD BE ON INFORMAL OFFER TO EXCHANGE EXPERT VIEWS AT WORKING LEVEL,

INCLUDING BOTH FONMINISTRY AND OTHER AGENCY OFFICERS WHO MIGHT
BE INTERESTED, AND NOT UPON U.S. VISIT TO LOBBY GOA. THERE
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WOULD BE NO PURPOSE IN SUCH A VISIT BEFORE MARCH, AS ONLY A
SKELETON LOS STAFF REMAINS IN THE MINISTRY DURING THE MASS
DEPARTURE FOR VACATIONS DURING THE SOUTHERN HEMISPHERE SUMMER.

8. WE CONSIDER THAT HIGH-LEVEL COMMUNICATIONS FROM VERY SENIOR
U.S. OFFICIALS TO GOA COUNTERPARTS ON LOS MATTERS ARE ONLY
MARGINALLY USEFUL, PARTICULARLY IF THEY BECOME AT ALL FREQUENT.
AS NOTED BY SANTIAGO, HOWEVER, A COMMUNICATION WOULD BE VERY
USEFUL TO SIGNAL ANY SIGNIFICANT CHANGES IN APPROACH TO LOS
MATTERS BY THE NEW U.S. ADMINISTRATION, IF THERE ARE TO BE ANY.

9. APPROACHES BY THE EMBASSY TO THE GOA ARE USEFUL IF MADE IN
CONJUNCTION WITH THE PRESENTATION OF A PAPER SUPPLIED BY THE
DEPT., OR IN SUPPORT OF THE VISIT OF AN LOS EXPERT, BUT DO NOT
HAVE THE SAME IMPACT AS DIRECT CONSULTATIONS BETWEEN EXPERTS.

10. BILATERAL CONSIDERATIONS: WE DO NOT HAVE DIRECT PROBLEMS
WITH THE GOA ON LOS OR GENERAL MARITIME MATTERS; THERE ARE NO
FISHING DISPUTES OR STRAITS THROUGH WHICH WE WISH TO ASSURE
PASSAGE AND WHICH ARE UNDER ARGENTINE JURISDICTION, FOR EXAMPLE.
ONLY A GENERAL DETERIORATION IN BILATERAL RELATIONS, WHICH WE
DO NOT FORESEE, MIGHT AFFECT OUR ABILITY TO CONSULT WITH THE
GOA ON LOS MATTERS. ARGENTINA WILL GIVE SOME CONSIDERATION
TO THE NEED FOR LATIN AMERICAN SOLIDARITY; IT WOULD NOT WANT
TO STAND OUT ALONE IF MOST OF THE OTHER LATIN AMERICANS TOOK
A UNITED STAND ON SOME POINT. FINALLY, TO THE DEGREE TO
WHICH THE LONG-STANDING QUESTION OF THE SOVEREIGNTY OVER THE
FALKLAND (MALVINAS) ISLANDS, AND THE RESULTING DIFFICULTIES
OVER EXPLOITATION OF THE CONTINENTAL SHELF AROUND THEM, INTRUDES
INTO LOS MATTERS, WE MAY EXPECT THE GOA TO SEEK OUR COMMIT-
MENT ON THEIR SIDE.
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